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408.016A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
ANDRE et al : Examiner: Deborah K. Ware  
Serial No.: 10/084,395 :  
Filed: February 25, 2002 : Group: 1651  
For: PROCESS...FROM THESE MITES :  
475 Park Avenue South  
New York, NY 10016  
April 9, 2004

**RESPONSE**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants vigorously traverse the restriction requirements since it is deemed that the claims are not related to distinct inventions, since claims 1 to 15 are not drawn to a composition comprising a microorganism but is drawn to a medium for cultivating mites. Claims 16 to 19 relate to a process for cultivating the same mites as listed above and that makes the use of the medium of claims 1 to 15. Therefore, the claimed medium has been specifically designed to carry out the process of claims 16 to 19 and the use of this culture medium necessarily falls within the scope of the claimed process. Therefore, the restriction is not deemed proper.

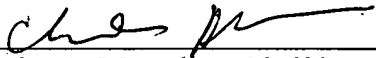
However, in order to be fully responsive to the Office Action, Applicants elect, with traverse, claims 1 to 15 or Group 1, indicated by the Examiner. However, it is requested that all the claims be examined in the same application.

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Wane - David R. Rhee  
4/19/04

Since the first Office Action was merely a restriction requirement on an application filed February 25, 2002, a prompt examination on the merits is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
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